



HYDRAULIC PROJECT APPROVAL

RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: October 1, 2003

LOG NUMBER: GH-D9416-03

At the request of Steven Yach, on October 1, 2003, this Hydraulic Project Approval (HPA), which now supersedes all previous HPAs for this project, is a timing extension of the original HPA issued October 15, 2002, and last modified on October 25, 2002.

| <u>PERMITTEE</u> | <u>AUTHORIZED AGENT OR CONTRACTOR</u> |
|---|---------------------------------------|
| Washington State Department of Transportation ATTENTION: Steven Yach/Gregor Myhr 310 Maple Park Avenue SE Olympia, Washington 98504-7300 (360)-705-7487 | Not Applicable |

PROJECT DESCRIPTION FOR WDFW DATABASE: Water crossing, bridges, maintenance, fixed, freshwater, permanent natural wood, raw, on bed. Water crossing, culverts, maintenance, fixed, freshwater, natural wood, raw, on bed. Water crossing, culverts, maintenance, fixed, freshwater, natural earth.

PROJECT DESCRIPTION: Debris removal/relocation.

PROJECT LOCATION: Freshwater Statewide

| # | WRIA | WATER BODY | TRIBUTARY TO | 1/4 SEC. | SEC. | TOWNSHIP | RANGE | COUNTY |
|----|---------|----------------|--------------|----------|------|----------|-------|--------|
| 01 | 99.0000 | All Freshwater | All | | | | | All |

Note: This HPA authorizes the removal from and/or repositioning of debris within Washington Department of Transportation (WSDOT) owned and/or maintained "manufactured drainage systems" and from WSDOT owned and/or maintained bridges and culverts. Consultation with the Area Habitat Biologist is strongly recommended.

PROVISIONS

- TIMING LIMITATIONS:** The project may begin immediately and shall be completed by December 31, 2003. See the attached list titled "WSDOT Debris Removal Work Windows" for specific watersheds.
- For purposes of this HPA, debris shall be defined as large and small woody and inorganic material, including trash. This definition of debris does not include new WSDOT construction waste, which is addressed under a separate HPA. Except as indicated in Provision 5, bedload material (boulders, round river rock, dirt and gravel) is NOT defined as debris, nor are accumulations of woody debris resulting from beaver activity. Beaver dams are addressed under a separate HPA. Large woody debris is defined as trees or tree parts larger than four inches in diameter in fresh and brackish water and longer than six feet in length, and rootwads, wholly or partially waterward of the ordinary high water line (OHWL).
- Debris may be removed from and/or repositioned within WSDOT owned and/or maintained "manufactured drainage systems" and WSDOT owned and/or maintained bridge piers, braces, wingwalls and abutments. A "manufactured drainage system", for the purposes of this HPA, is defined as a:
 - culvert, including a maximum of 25 horizontal feet immediately upstream of its inlet or downstream of its outlet; or



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- b. created stormwater detention/retention facility that is located either within a natural watercourse, or a natural watercourse that has been altered by humans.

Per WAC 220-110-020, no HPA is required for work within an ENTIRELY ARTIFICIAL watercourse, i.e. highway ditches that were never and are not now part of a natural stream channel, altered or otherwise. An on-site review with the Washington Department of Fish and Wildlife (WDFW) AHB may be necessary to determine whether a drainage ditch is entirely artificial or a natural stream channel which has been altered by humans.

- 4. **ADDITIONAL TIMING LIMITATIONS/NOTIFICATION REQUIREMENT:** This HPA is valid through December 31, 2003.
 - a. Except for emergencies and extenuating circumstances, work shall occur within the time periods identified in WORK WINDOW FOR WSDOT DEBRIS REMOVAL/ RELOCATION PROJECTS (attached) to minimize impacts to fish. Additionally, whenever possible, work shall be conducted when the stream is in a low-flow period and the weather conditions have been predicted to ensure that the stream remains in a low-flow stage during work activities involving the stream. Depending upon site and stream reach conditions, debris may be allowed to float downstream.
 - b. Work outside the attached timing limitations, such as for emergencies and extenuating circumstances, shall require PRIOR notification to and approval by the local AHB (contact list attached). Additionally, if WSDOT personnel are unsure whether debris to be removed and/or repositioned meets criteria per Provision 2; the "structure" from which debris is to be removed and/or repositioned meets criteria per Provision 3; debris is embedded or not per Provision 6; or, if any of the provisions of this HPA cannot be followed, the local AHB shall be consulted prior to any work. If the provisions cannot be followed, a separate, written HPA shall be required.
- 5. **EQUIPMENT:** Where appropriate based upon site conditions and complexity of the debris jam, removal and/or repositioning of debris shall be accomplished by hand or with hand tools such as chain saws and chain saw or vehicle-winches. If the use of heavy equipment is necessary:
 - a. The equipment shall be stationed on the bank, bridge, barge or roadway. When absolutely necessary, equipment may operate stationed on dry gravel bars at low stream flow. The bottom of the barge shall not be allowed to ground out.
 - b. The drive mechanisms of equipment shall NOT enter or operate within the wetted perimeter of the watercourse. Except when stationed on a dry gravel bar per Provision 4a, the drive mechanisms of equipment (tires, tracks, etc.) shall NOT enter or operate within the OHWL. Figure 1 (attached) shows the relationship between the OHWL, the wetted perimeter and the dry gravel bar.
 - c. All equipment shall be sufficiently clean, well-maintained, and in good repair to prevent the loss of any petroleum products or other deleterious substances into state waters. The use of food-grade hydraulic fluids is recommended for equipment used in or near state waters.



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6. This HPA does NOT authorize the removal, repositioning or disturbance of existing large woody debris embedded in a bank or bed. Embedded is defined as material that is buried by consolidated sediments (i.e., stream bank) or sediments deposited within the past year, except debris covered by bedload material deposited with debris as a result of the most recent high water (flood) event shall not be considered embedded. Per Provision 9, less than 50 cubic yards of bedload material may be removed with the debris. Prior discussion with the local AHB and separate, written HPA shall be required for the removal, repositioning or disturbance of embedded large woody debris and/or the removal of embedded inorganic debris (i.e. appliances, shopping carts, etc.). This discussion shall address the need for repositioning the large woody debris within the watercourse, requirements for securing the debris and eliminating pits and furrows that could strand fish.
7. Only large, non-embedded woody debris may be repositioned within the watercourse. Small woody debris (limbs and bark debris associated with the large woody debris) and non-embedded inorganic debris shall be removed so they will not reenter the watercourse.
8. Debris may be removed and/or repositioned in any of the following ways. Also see Provision 8 for bedload material removal requirements. Other methods, after prior discussion with and approval by the local AHB, may be acceptable provided they yield similar results, protect fish life and habitat, and meet the other provisions of this HPA. Debris may be:
 - a. Grappled or yarded off the structure with cables from a boom truck, crane, winch or equivalent positioned on the bridge, barge, roadway or top of the bank. Whenever possible, material shall be lifted out with full suspension to eliminate or minimize watercourse bed and bank disturbance. Material shall not be dragged across the bed or bank, except where debris cannot be suspended above the bed and banks. Where debris cannot be suspended above the bed and banks, skid logs or similar methods shall be used to minimize bank damage. Upon completion of the operation, skid logs shall be removed in a manner that avoids damage to the bed, banks and bank vegetation. The banks shall be restored to pre-project or improved condition. A boat may be used to aid the choker cable; or
 - b. Cut in place with a chain saw and left to float off in the water, if appropriate to site and stream reach conditions. Logs shall not be limbed. If logs are cut in place with a chain saw, they shall be cut the minimum number of times to facilitate their floating off in the water. Every effort shall be made to cut logs into sections 6 feet in length or longer. Whenever practicable, at least 15 feet of trunk shall remain attached to a tree's rootwad or rootball; or
 - c. Picked up and moved with the use of an aquatic Spyder, a backhoe with a thumb, or equivalent equipment.



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9. If bedload material per Provision 6 is to be removed, the following shall occur:
- Less than 50 cubic yards of bedload material may be removed.
 - Bedload material shall be removed with a clamshell, backhoe or equivalent equipment. The equipment shall be operated to minimize turbidity. During excavation, each pass with the bucket shall be complete. Dredged material shall not be stockpiled waterward of the OHWL.
 - Bedload material shall be disposed of upland so it will not reenter state waters. Bedload material shall not be placed on or over existing riparian vegetation.
 - Upon completion of the bedload material removal, the streambed shall contain no pits, potholes, or large depressions to avoid stranding of fish.
 - Whenever practicable, removal shall be accomplished in the dry.
 - Removal shall be accomplished by starting at the upstream end of the project boundary and working downstream.
 - Work shall be limited to removal of bedload material associated with debris deposition per Provision 5. Stream banks and fish spawning areas shall not be disturbed without prior discussion with and approval by the local AHB.
 - In streams having unstable bedloads, a grade control structure constructed of clean, angular rock at the upstream end of the excavated area should be considered to prevent head-cutting. Prior discussion with the local AHB may be necessary.
10. Repositioned large woody debris shall be placed within the OHWL to provide stable, functional fish habitat. Where necessary, the debris shall be securely anchored with rebar, cable, and/or deadman, or other anchor. Anchoring shall require prior discussion with and approval by the local AHB.
11. Care shall be used when accessing the site to minimize the disturbance of riparian vegetation. Shoreline vegetation shall be straddled with heavy equipment or be pruned as necessary, without damaging the roots, to allow the operation of heavy equipment.
12. Debris shall be removed gradually and in a controlled manner to prevent a sudden release of any impounded water, bedload, logs, other material or sediments which may result in downstream bed and bank degradation, sedimentation or flooding. This may be accomplished by slowly removing portions of the debris and allowing the water level to go down slowly before removing additional portions of the debris.



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13. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Erosion control methods may include, but are not limited to filter fabric and immediate mulching of exposed areas. The use of riprap or concrete/grout is NOT authorized by this HPA.
14. Alteration or disturbance of the bed, bank and bank vegetation shall be limited to that necessary to remove and/or reposition debris. Within one year of project completion, altered or disturbed stream banks, shall be revegetated with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.
15. Large woody debris that is not repositioned within the channel downstream of the structure (i.e. in back eddies or in areas where bank erosion is occurring) or released to float downstream, shall upon PRIOR consultation with and approval by the local AHB, be removed from the channel and be
 - a. set aside in a secure location for use in future fish habitat/ restoration projects by WSDOT or other agencies/groups, or
 - b. disposed of away from the watercourse so that it will not reenter state waters.
16. Structures that tend to accumulate debris shall be inspected and debris removal and/or repositioning shall be frequent enough to prevent the build up of large debris jams. The frequency of inspection and debris removal and/or repositioning shall depend upon the site and weather conditions. The local AHB shall be provided with a current list of these problem structures either during the annual review (see Provision 19) or earlier.
17. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems (including equipment leaks or spills) develop, operations shall cease. WDFW and the Washington Department of Ecology shall be contacted immediately (contact list attached). Work shall not resume until further approval is given by WDFW.
18. The use of explosives is NOT authorized.
19. This HPA does NOT authorize structure (i.e.. culvert, bridge, wingwall/bulkhead etc.) installation, repair or replacement, dredging or sediment removal (except as indicated in Provisions 5 and 8), channel changes, pile driving, limbing, brushing, etc.. This HPA is for removal and/or repositioning of non-embedded debris only.
20. A copy of this HPA shall be available at each work site.

LOCATION: Various locations throughout the state.

ATTACHMENTS (which shall be part of this HPA):



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1. Timing for Debris Removal/Repositioning
2. Contact List for WDFW
3. WDFW Regions Map
4. Figure 1

SEPA: DNS by WSDOT final on July 16, 1997..

APPLICATION ACCEPTED: October 1, 2003

ENFORCEMENT OFFICER: All [P3]

Robert J. Bicknell (360) 274-9814
District Habitat Biologist

A handwritten signature in black ink, appearing to read "Bicknell", written over a horizontal line.

for Director
WDFW

cc: Gayle Kreitman
Regional Habitat Managers

Enclosure(s): 4

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.



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APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.